

## REMARKS

Objection Under 37 C.F.R. 1.83(a)

The Examiner objected to that drawings stating that “the vehicle,(positively recited, claim 1, line 6) must be shown or the features(s) cancelled from the claims. Office Action, Paper No. 29, at page 2. Applicant has amended claim 1, rendering the objection moot. For this reason, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. § 112

The Examiner rejected claims 1, 36, and 27 “under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.” *Id.* at page 3.

Specifically, the Examiner rejected claim 1, stating that the scope of the term “hitch assembly” is not clear from the specification and drawing. *Id.* At page 4. The Applicant has amended claim 1 to clarify the meaning of hitch assembly and as such, respectfully requests that this rejection be reconsidered and withdrawn.

The Examiner also rejected claim 1 stating that “it is unclear whether the combination of the steps and parts of the vehicle or the subcombination of the step is being claimed.” *Id.* Applicant has also amended claim 1 to include functional language to clarify his invention. Applicant respectfully requests that this objection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 1, 29, 30, 32, 36, and 37 under 35 U.S.C. 102(e) as being anticipated by Mason.

As stated above, Applicant has amended claim 1. In order to support anticipation under 35 U.S.C. §102, each and every element of a claimed invention must be disclosed within a single prior art reference. *See In re Bond*, 15 USPQ2d 1896 (Fed. Cir. 1991). Although the Examiner states that Figure 2 of the Mason reference shows “a trailer hitch locking assembly with an upper receiver 26 (step, step portion),” receiver 26 is not a step or designed to be a step in the manner

claimed by the Applicant. The Applicant claims “ a step portion adapted to be hinged to the mounting portion, wherein the step portion is adapted to be moveable between a first in-use position and a second stowed position...” The Applicant further defines the step as being able “to allow easier access to the rear of tray back utility vehicles.” Page 1, line 4. The upper receiver, as described by Mason, is not designed to be a step; rather, it “is spaced from the mounting plate 12 a distance sufficient to accommodate the hitch ball 16 and a tongue 20 of a trailer attached thereto so as to preclude unintentional or unauthorized vertical separation of the tongue from the hitch ball.” Column 4, lines 17-21. Nowhere in Mason is the element of a step mentioned. Moreover, the placement of the hinge to the side of the receiver in Mason would most likely render the receiver incapable of supporting the weight of a person. Additionally, another difficulty with the placement of the hinge to the side is that it may easily be damaged, thereby rendering the entire apparatus inoperable. Mason does not include the element of a step and thus, cannot anticipate Applicant’s invention. For the reasons listed above, Applicant respectfully requests that the present 102(e) rejection be reconsidered and withdrawn.

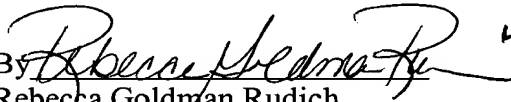
**CONCLUSION**

Applicant has properly stated, traversed, accommodated, or rendered moot each of the Examiner's grounds for rejection. Applicant submits that the present application is now in condition for allowance.

If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited. If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-0911. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Dated: March 31, 2003

Respectfully submitted,

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